

19 in independent form is not necessary as they depend on a claim believed to be allowable over the prior art.

Reconsideration of the application in view of the following remarks is respectfully requested.

### **REMARKS**

The Examiner rejected claims 1-8 and 20-22 under 35 U.S.C. § 102(b) as being anticipated by Ishikawa, U.S. Patent No. 4,107,376 (Ishikawa). It is respectfully submitted that claims 1-8 and 20-22 are patentable over Ishikawa.

Specifically, claim 1 recites a flexible fire protection plate that comprises a plate made of pliable organic binder. The provision of a flexible fire protection plate permits to solve the problem underlying the present invention, namely, the overcoming of the problems of the prior art when using rigid sandwich plates which are discussed in the paragraph bridging pages 1 and 2 of the present application. These rigid sandwich plates are time-consuming and costly to install because the necessary cutting and adaptation is very difficult and, furthermore, these sandwich plates are not satisfying with respect to the fire protection.

Ishikawa discloses a heat-resistant composition comprising a non-combustible porous core material, which may consist of a calcined mineral, such as perlite, which has been impregnated or coated with an inorganic filler material capable of foaming spontaneously when heated at an elevated temperature, such as sodium metaborate, sodium metasilicate, sodium metaphosphate, etc. (cf. claims 1 and 5 and the abstract). Said heat-resistant composition can be incorporated into a synthetic resin to form a molded article (claim 3). Said molded article can be a panel (claims 3 and 4). According to claim 13 of Ishikawa, the panel can comprise a polyurethane foam molded in the form of a panel, into which the composite under consideration is incorporated. From the disclosure of column 4, lines 18 to 24, it can be seen that the disclosed heat protective aggregates can be put into practical use, for example in molded articles, such as panels made of polyurethane foam. In this respect, reference is made to the use of **rigid** polyurethane foam which is being widely put into practical use as a building material, such as outdoor siding, sealing, flooring partition walls, obtained by molding the rigid polyurethane foam into panels. Furthermore, it is disclosed in column 8, line 20, that the panels under consideration are prepared by employing **rigid** polyurethane foam.

Ishikawa related to rigid sandwich composite plates, a fact that is apparent from the disclosure in column 8, lines 21 to 27. Said sandwich plates

comprise a **rigid polyurethane resin**, heat protective particles incorporated therein, a color finished thin **steel plate** as a top surface of the composite and an **aluminum foil** as a rear surface of the composite. It should be clear that such rigid sandwich plates will not be suitable for solving the problem underlying the present invention, namely the provision of a fire protection plate that can be manufactured and installed very simply because of its flexible character and which still exhibits sufficient mechanical strength not only during installation but specifically in case of fire.

In view of the above, it is respectfully submitted that Ishikawa neither anticipates nor makes obvious the present invention, as defined by claim 1, and claim 1 is patentable over Ishikawa.

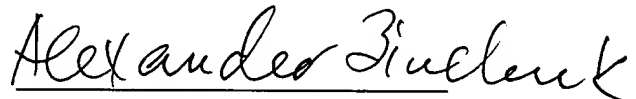
Claims 2-8 and 20-22 depend on claim 1 and are allowable as being dependent on an allowable subject matter. The allowability of claims 9-19 was noted by the Examiner.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects, in order to place in case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 5, 2004.

Alexander Zinchuk

Signature: 